

REMARKS

The claims are claims 1, 4 to 35, 37 to 39 and 41 to 48.

Claims 1, 4, 35, 37, 39, 41, 42 and 43 have been amended. Claims 1, 2, 36, 8 and 40 are canceled. New claims 47 and 48 are added. Claim 1 has been amended to include the limitations of canceled claims 2 and 3. Claim 4 has been amended into independent form including the limitations of prior base claims 1 and 2. Claim 35 has been amended to include the limitations of canceled claim 36. Claim 37 has been amended into independent form including the limitations of prior base claim 35. Claim 39 has been amended to include the limitations of canceled claim 40. Claim 41 has been amended into independent form including the limitations of prior base claim 39. Claims 42 and 43 have been amended to include defining a level of content degradation. New claims 47 and 48 recite limitations substantially the same as original claims 40 and 41 except dependent upon claim 46.

Claims 1, 4 to 35, 37 to 39 and 41 to 48 are finally rejected under 35 U.S.C. 103(a) as made obvious Kaplan U.S. Patent No. 5,963,916 and Shaw et al U.S. Patent No. 6,091,857. The FINAL REJECTION states that Kaplan shows all of the limitations of the claims except for specifying the degraded signal for the samples and some details as to how the digital signal is processed and that Shaw et al. teaches a system and method for producing a quantized signal where the broadcaster has the control to select the appropriate quality level that he or she wants in order to conserve bandwidth. The FINAL REJECTION states at page 3, lines 4 to 6:

"Based on the teaching of Shaw et al., it would have been obvious to one of ordinary skill in the art, at the time the invention was made, to modify Kaplan system to select the appropriate quality level (degraded level) in order to conserve bandwidth."

The examiner takes official notice the digital signal processes claimed are known and that discrete Fourier transforms, frequency modulator and frequency band rejections are known.

Claims 1, 35, 39, 42, 43 and 47 recite subject matter not made obvious by the combination of Kaplan and Shaw et al. Claims 1 and 43 recite "a dialogue unit operable...to define a degrade level signal dependent upon a client integrity indicator determined from a personal client file containing client history data stored in the file store." Claim 35 recites "defining a level of content degradation dependent on a client integrity indicator determined from a personal client file containing client history data." Claim 39 recites "the server defining a level of content degradation as a function of client history." Claim 42 recites "means for defining a level of content degradation as a function of client history." Claim 47 recites "defining at the server a level of content degradation as a function of client history." These recitations of claims 1, 35, 39, 42, 43 and 47 serve as support for later recitations in each claim of output of a signal degraded corresponding to the defined degrade level signal or the level of content degradation. This subject matter was recited in respective original claims 3, 36 and 40. The response filed January 8, 2003 argued the unobviousness of this limitation at page 12, lines 18 to 28. The FINAL REJECTION points to no disclosure of Kaplan or Shaw et al as defining a level of content degradation dependent upon a client history. Nothing in Kaplan or Shaw et al teaches that the transmission quality level is dependent upon a client history. Accordingly, claims 1, 35, 39, 42, 43 and 47 are allowable over Kaplan and Shaw et al.

Claims 4, 37, 41 and 48 recite subject matter not made obvious by the combination of Kaplan and Shaw et al. Claim 4 recites "a dialogue unit operable...to define a degrade level signal dependent on an authorization response received by the dialogue unit from a

remote payment gateway computer system following an authorization request from the dialogue unit including a client i.d., a client payment instrument and a monetary value of the product selected for evaluation." Claim 37 recites "defining a level of content degradation dependent on an authorization response received by the server from a remote payment gateway computer system following an authorization request by the server including a client i.d., a client payment instrument and a monetary value of the product selected for evaluation." Claim 41 similarly recites "the server defining a level of content degradation as a function of said client payment instrument." Claim 48 recites "defining at the server a level of content degradation as a function of the identified type of payment authorization." These recitations of claims 4, 37, 41 and 48 serve as support for later recitations in each claim of output of a signal degraded corresponding to the defined level of content degradation. This subject matter was recited in respective original claims 4, 37 and 41. The response filed January 8, 2003 argued the unobviousness of this limitation at page 12, line 29 to page 13, line 10. The FINAL REJECTION points to no disclosure of Kaplan or Shaw et al as defining a level of content degradation dependent upon a client payment instrument. Nothing in Kaplan or Shaw et al teaches that the transmission quality level is dependent upon a client payment instrument. Accordingly, claims 4, 37, 41 and 48 are allowable over Kaplan and Shaw et al.

This application states at page 3, lines 16 to 23:

"It is therefore possible for a content provider to change the characteristics of an audio or video data stream supplied over a network or other public communications system to a potential purchaser by degrading it in a controlled and variable manner. The amount of degradation is preferably sufficient to enable a potential purchaser to appreciate the characteristics of the audio or video product, whilst reducing

the perceived quality. In addition, the changes to the characteristics of the audio or video data stream are preferably such that the original high-fidelity product cannot be reconstructed from the low-fidelity pre-purchase sample."

This goal of the degradation is to enable the customer to sample the product without serving as a substitute for the product and so compromising future purchases (see application at page 1, lines 26 and 27). Shaw et al teaches selection of "the appropriate quality level...in order to conserve bandwidth" (column 3, lines 34 to 36, cited in the FINAL REJECTION). The goal of this application differs from and is unobvious over the teachings of Shaw et al. In Shaw et al the signal quality is selected to conserve bandwidth of transmission. In this invention the signal quality is selected to enable sampling of the product without substituting for the product. Bandwidth is not a consideration in the selection of signal quality in this invention. The plural degradation processes taught in this application in conjunction with Figures 3 to 28 degrade the perceived quality of the signal without reducing its bandwidth. Accordingly, the Shaw et al teaching of selecting a quality to conserve bandwidth fails to make obvious the degradation recited in claims 1, 4, 35, 37, 39, 41, 42, 43, 47 and 48.

Claims 39 and 46 recite subject matter not made obvious by the combination of Kaplan and Shaw et al. Claims 39 and 46 each recite both "transmitting to the client a degraded evaluation version of the selected product, the degraded evaluation version of the selected product having a degraded perceived quality" and "transmitting to the client a non-degraded version of the selected product." The combination of Kaplan and Shaw et al fails to make obvious the transmission of both a degraded evaluation version and a non-degraded version of the selected product. Neither Kaplan nor Shaw et al include any teachings why supplying the same selected product in degraded and non-degraded versions is advantageous. The

FINAL REJECTION fails to point out where either Kaplan or Shaw et al makes obvious these limitations of claims 39 and 46. Accordingly, claims 39 and 46 are allowable over the combination of Kaplan and Shaw et al.

Claims 6, 7, 10, 11, 14 to 28 and 30 to 34 recite subject matter not made obvious by the combination of Kaplan and Shaw et al. Claim 6 recites "noise insertion circuitry for manipulating bits of the bit stream to degrade signal quality." Claim 7 recites "the manipulation process applied by the frequency modulator is such as to effect a degradation of perceived signal quality in the digital audio/video signal reconstructed by the inverse digital Fourier transform unit." Claim 10 recites "phase inversion over at least one range of frequencies." Claim 11 recites the frequency modulator "inserts masked sound contributions adjacent amplitude peaks of the frequency domain representation of the digital audio signal." Claim 14 recites the manipulation process "inserts masked sound contributions adjacent the mixing frequency." Claim 15 recites "a frame manipulator operatively arranged to manipulate frames in the frame buffer to generate a degraded digital video signal." Claim 16 recites the frame manipulator is operable "effect a degradation of perceived video signal quality" "according to frame type." Claim 17 recites the frame manipulator is operable "to vary the pixels of the data blocks of at least selected ones of the frames so as to effect a degradation of perceived video signal quality." Claim 18 recites the frame manipulator is operable "to vary the motion vectors of at least selected ones of the frames so as to effect a degradation of perceived video signal quality." Claim 19 recites the frame manipulator is operable "to manipulate the objects of at least selected ones of the frames so as to effect a degradation of perceived video signal quality." Claim 20 recites the processing core switches "individual channels within the multi-channel signal to apply spatial modification to the digital audio

signal so as to effect a degradation of perceived digital audio signal quality." Claim 21 recites the processing core inverts "the phase of at least one of the audio channels so as to effect a degradation of perceived digital audio signal quality." Claim 22 recites the processing core adds "together individual ones of the channels so as to effect a degradation of perceived digital audio/video signal quality." Claim 23 recites the processing core operates "by removal or attenuation of at least one of the channels so as to effect a degradation of perceived digital audio/video signal quality." Claim 24 recites the processing core operates "to convert the n-bit digital audio signal into an m-bit digital audio signal where m is less than n so as to effect a degradation of perceived digital audio signal quality." Claim 25 recites the processing core operates "to time modulate the digital audio/video signal so as to effect a degradation of perceived digital audio signal quality." Claim 26 recites this time modulation is "is one or more of: a speed-up or slow-down the digital audio/video signal; a change in the value of data bits in volume, luminance or chrominance data contained within the digital audio/video signal; and a lengthening of a sampling period of the digital audio/video signal." Claim 27 recites "an analog processing unit operable to apply a defined level of audio/video degradation to the analog signal creating a degraded analog audio signal having a degradation in perceived quality corresponding to said defined level of content degradation." Claim 28 recites the analog processing unit operates "to apply frequency domain modulation to an analog audio signal so as to effect a degradation of perceived audio signal quality." Claim 30 recites "a mixer for adding a secondary signal to the digital audio/video signal so as to effect a degradation of perceived digital audio/video signal quality." Claim 31 recites "a signal generator for generating the secondary signal." Claim 32 recites the signal generator is "a noise generator." Claim 33

recites the signal generates operates "to generate a content-based audio signal." Claim 34 recites "the level of the secondary signal mixed with the digital audio/video signal is determined by the degrade level signal." The Applicants respectfully submit that neither Kaplan nor Shaw et al make obvious this subject matter of claims 6, 7, 10, 11, 14 to 28 and 30 to 34. Note that the FINAL REJECTION fails to point out where either Kaplan or Shaw et al makes obvious any of the limitations of claims 6, 7, 10, 11, 14 to 28 and 30 to 34.

The Applicants respectfully submit that the Examiner's comments regarding the use of "standard digital processes in order to manipulate digital products" are not relevant. The FINAL REJECTION fails to point out where Kaplan and Shaw et al teach the use of "standard digital processes in order to manipulate digital products" in the manner recited in claims 6, 7, 10, 11, 14 to 28 and 30 to 34. The Applicants respectfully submit that the use of "standard digital processes in order to manipulate digital products" in a manner not previously known is patentable. Particularly, claims 6, 7, 15 to 22, 24, 25, 27, 28 and 34 recite the processing is to effect degradation of the signal quality. The FINAL REJECTION fails to point out "standard digital processes" used to effect this claimed signal degradation. The Applicants agree that one skilled in the art would immediately recognize that using the techniques recited in claim 6, 7, 15 to 22, 24, 25, 27, 28 and 34 would degrade signal quality. The Applicants dispute that the known art teaches use of the techniques claimed for the purpose of degrading the signal quality. Accordingly, claims 6, 7, 10, 11, 14 to 28 and 30 to 34 are allowable over Kaplan and Shaw et al.

Claim 45 recites subject matter not made obvious by the combination of Kaplan and Shaw et al. Claim 45 recites "the dialogue unit being operable to supply a packet decoder to the client over the network for decoding the digital video/audio

signal" whereby the client can decode encrypted data packets transmitted from the server. Claim 45 further recites "the client input stage is configured to corrupt the decryption key of any given data packet before the decoded data of that packet is transmitted from the input stage in a form playable by the reproduction system." The Applicants respectfully submit that the combination of Kaplan, Shaw et al and the known art fail to make obvious this subject matter. In particular, the FINAL REJECTION fails to point how the known art makes obvious an input stage configured to corrupt the decryption key as claimed. Accordingly, claim 45 is allowable over Kaplan and Shaw et al.

The Applicants respectfully request entry and consideration of this amendment. Entry of this amendment is proper at this time because the amendment serves only to clarify subject matter previously recited. A greater number of claims have been canceled than are added. Thus no new search or reconsideration is required.

The Applicants respectfully submit that all the present claims are allowable for the reasons set forth above. Therefore early entry of this amendment, reconsideration and advance to issue are respectfully requested.

If the Examiner has any questions or other correspondence regarding this application, Applicants request that the Examiner contact Applicants' attorney at the below listed telephone number and address to facilitate prosecution.

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Respectfully submitted,

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